

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**GARY W. BENTON  
ADC#085522**

**PETITIONER**

**v.**

**Case No. 5:13-cv-00396-KGB/BD**

**RAY HOBBS, Director,  
Arkansas Department of Correction**

**RESPONDENT**

**ORDER**

The Court has reviewed the Recommended Disposition filed by Magistrate Judge Beth Deere (Dkt. No. 11). The parties have not filed any objections, and the time for doing so has passed. After careful consideration, this Court adopts the Recommended Disposition as its own. Gary Benton's petition for writ of habeas corpus is denied and dismissed with prejudice (Dkt. No. 2).

When entering a final order adverse to a habeas corpus petitioner, the Court must issue or deny a certificate of appealability. *See* Rule 11 of the Rules Governing Section 2254 Cases. A certificate of appealability may issue only if a petitioner has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). In this case, there is no basis for this court to issue a certificate of appealability. Accordingly, a certificate of appealability is denied.

SO ORDERED this the 18th day of February, 2015.



Kristine G. Baker  
United States District Judge